IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant: SHEN   Patent Application

Application No.:   10/603,428   Group Art Unit: 2621

Filed: June 24, 2003   Examiner: Findley, Christopher G.

For: METHODS AND SYSTEMS FOR SERVICING STREAMING MEDIA

REPLY BRIEF

In response to the Examiner's Answer mailed on August 20, 2008, Appellant respectfully

submits the following remarks.

<center>REMARKS</center>

Appellant submits the following remarks in response to the Examiner's Answer. In these remarks, Appellant addresses certain arguments presented in the Examiner's Answer. While only certain arguments are addressed in this Reply Brief, this should not be construed that Appellant agrees with the other arguments presented in the Examiner's Answer.

Response to Response to Argument (3) as Identified in Examiner's Answer

On page 10 of the Examiner's Answer, it is asserted that Apostolopoulos discloses that "the data written to the output buffer is intermediate data, since it has not yet been organized into its final format" (Examiner's Answer; page 10, line 25, through page 11, line 2). Accordingly, the Examiner's Answer asserts that Apostolopoulos discloses "caching an intermediate result from one of the stages of said multi-stage process" as claimed.

However, Appellant respectfully submits that Apostolopoulos does not teach, describe or suggest "caching an intermediate result from one of the stages of said multi-stage process, <u>said result selected according to said available processing and memory resources</u>" (emphasis added) as recited in independent Claims 1 and 10, and the similar embodiment recited in independent Claim 19.

Appellant understands Apostolopoulos to disclose "an output buffer (not shown) that organizes the entropy-coded blocks into a predictively-coded block-based picture signal that is compliant with a standard decoder, such as a standard MPEG-2 decoder. The output buffer can generate a feedback signal for controlling quantizing applied by the partial encoder so that the bit rate of the predictively-coded block-based picture signal complies with a pre-determined bit-rate

requirement or a standard input buffer constraint" (col. 23, lines 39-47). In particular, Appellant respectfully submits that Apostolopoulos does not teach, describe or suggest "caching an intermediate result from one of the stages of said multi-stage process, said result selected according to said available processing and memory resources" (emphasis added) as claimed.

In contrast, Appellant submits that the output buffer of Apostolopoulos receives entropy-coded blocks from an entropy coding module. Appellant respectfully submits that the entropy-coding blocks received from the entropy coding module are received independent of available processing and memory resources. Moreover, by disclosing that the output buffer "organizes the entropy-coded blocks into a predictively-coded block-based picture signal that is compliant with a standard decoder," Appellant submits that the output buffer described at col. 23, lines 39-47, of Apostolopoulos receives entropy-coding blocks regardless of available processing and memory resources. Therefore, Appellant respectfully submits that the output buffer described at col. 23, lines 39-47, of Apostolopoulos teaches away from "caching an intermediate result from one of the stages of said multi-stage process, said result selected according to said available processing and memory resources" (emphasis added) as claimed.

Response to Response to Argument (4) as Identified in Examiner's Answer

On page 11 of the Examiner's Answer, it is asserted that Apostolopoulos discloses "that Fig. 6C may include an output buffer, which can generate a feedback signal for controlling quantizing applied by the partial encoder so that the bit rate of the predictively-coded block-based picture signal complies with a pre-determined bit-rate requirement or a standard input buffer constraint" (Examiner's Answer; page 11, lines 7-10), and that buffer 114 of Fig. 3A of Apostolopoulos provides similar functionality.

However, Appellant respectfully submits that Apostolopoulos does not teach, describe or suggest "caching an intermediate result from one of the stages of said multi-stage process, said result selected according to said available processing and memory resources" (emphasis added) as recited in independent Claims 1 and 10, and the similar embodiment recited in independent Claim 19.

Appellant understands Apostolopoulos to disclose that "[t]he buffer additionally generates the control signal 117 that is fed back to the quantizer 103. This control signal controls the step-size of the quantizing to ensure that the buffer neither under flows nor over flows" (emphasis added; col. 8, lines 32-36). As presented above, the output buffer described in accordance with Fig. 6C "can generate a feedback signal for controlling quantizing applied by the partial encoder" (emphasis added; col. 23, lines 43-44).

Appellant respectfully notes that buffer 114 receives "entropy-coded, quantized transform coefficients" (col. 9, lines 36-42) and the output buffer not shown in Fig. 6C "receives entropy-coded blocks" (col. 23, lines 36-42). In particular, Appellant respectfully submits that the buffers described in Apostolopoulos always receive entropy-coded blocks. In other words, Appellant respectfully submits that Apostolopoulos does not disclose that the buffers select which a result to store. In contrast, the buffers are operable to store the result they receive, namely, entropy-coded blocks. Moreover, Appellant respectfully submits that controlling the size of quantizing does not teach, describe or suggest "caching an intermediate result from one of the stages of said multi-stage process, said result selected according to said available processing and memory resources" (emphasis added) as claimed.

Furthermore, by disclosing that the buffers of Apostolopoulos always receive entropy-coded blocks, Appellant respectfully submits that Apostolopoulos <u>teaches away from</u> "caching an intermediate result from one of the stages of said multi-stage process, <u>said result selected according to said available processing and memory resources</u>" (emphasis added) as claimed.

<u>CONCLUSION</u>

In view of the above remarks, Appellant continues to assert that pending Claims 1-27 are directed to statutory subject matter, that pending Claims 1-5, 9-14 and 19-23 are patentable over Yoo in view of Apostolopoulos, and that pending Claims 6-8, 15-18 and 24-27 are patentable over Yoo in view of Apostolopoulos, further in view of Panusopone, for reasons presented above and for reasons previously presented in the Appeal Brief.

Respectfully submitted,

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